

THEY'LL ARBITRATE

Canadian Pacific Differential Question to Be Settled.

SURPRISE AT THIS RESULT

DENVER & RIO GRANDE STATEMENT MADE PUBLIC.

Very Gratifying Showing of Increase in Freight and Passenger Earnings—New Depot for the Western at Park City—Short Line Statement Will Be Made Public Here.

At the meeting of the executive officers of the Trans-continental association, which was held in Denver last week, a very important action was taken concerning the matter of Canadian Pacific differentials, which as yet has not been given much publicity, although some of the eastern papers have contained abbreviated notices of the same. The matter of differentials for the Canadian Pacific has been a bone of contention for some time. On those dependent in a great measure the advantages which the foreign lines have over the American lines. These matters were taken up at the Denver meeting and a basis of settlement was agreed upon. It was decided, says Traffic Manager Dabuck of the Western, who was an attendant, to leave the matter to arbitration, the American lines to select one arbitrator, the Canadian Pacific another and the two thus chosen a third. Then these commissioners were to select a committee from the American lines, through a committee selected by them, and a like committee from the Canadian Pacific. The committee from the American lines will be binding upon the parties whose interests are at issue.

The American lines have appointed their committee and as soon as the other arbitrator is named, the Canadian Pacific will appoint the people to present its case.

The announcement of this subject would be a surprise to most railroad men, because it was not believed the foreign road would consent to any such action. But the prospects of a speedy settlement of the question by such means is hailed with delight by all concerned on this side of the boundary.

The first meeting of the Trans-continental association will be held in New York City on Oct. 10.

SPLENDID SHOWING.

D. & R. G. Annual Statement Made Public.

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Among the building of the Utah & Pacific, the enterprise projected by Hon. A. W. McCune and associates, the Railway Age says:

There is a prospect of some interesting new construction in the far west. The Utah & Pacific has been incorporated in Utah to build a railroad from Milford, on the Oregon Short Line, to the Nevada state line, 50 miles, over the old grade built by the Union Pacific during the Adams administration from Milford to Pioche, Nev. This grade, it will be remembered, was completed for a distance of 10 miles, to Pioche, the line had been built in some of the old. When the Adams road was built by Mr. Gould, the latter was said to be so impressed at what he considered the waste of money that he ordered the ties taken up and the bridges actually destroyed. The old grade is said to be in fairly good condition, and the maintenance of the extension is the responsibility of the state. It would be necessary to build only about 20 additional miles of road to connect with the California & Eastern at Manvel, Cal., whence that road extends south to Blake, on the Santa Fe Pacific. It is reported that the Oregon Short Line has consented to furnish the equipment and operate the new line, and that ties are now being cut, and all appearances indicate that the road is to be built.

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At Saltair.

Considering the inclement weather, the number who were present at Saltair yesterday was quite large. Two organizations were scheduled for yesterday, the P. M. E. chapter of this city, and the M. L. A. of Cache county. About 1,200 went out, the number being about equally divided between the two. Notwithstanding the cold which prevailed a portion of the afternoon, bathing was indulged in with much enjoyment. As the tickets for the Cache county people are good for two days more from that locality are expected today.

The Tabernacle choir is scheduled for today.

A heavy shower fell early in the evening, but it soon cleared up, and the tide home on the S. L. train was very pleasant.

Railroad Notes.

Colonel Dodge left for Denver yesterday.

Ben Nevins, general agent of the Denver & Rio Grande, is over in Nevada, hustling business for his line.

C. H. Duxbury, traveling passenger agent of the B. & O., who headquarters in Omaha, is in the city on business connected with the road.

The Western will bring in large excursions from Tintic, Utah county, and other points south on Saturday, to the battle of Manila at Saltair.

The Western will run an excursion to Ogden canyon on Sunday next, with the usual chicken dinner and fish at Ogden.

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SEUFERT IS RELEASED

Judge Timmony Finds the Evidence Against Him Insufficient.

CONFLICT OF TESTIMONY

EUGENE FRAUGHEBER AND MR. SAUER DO NOT AGREE.

The Defendant Goes On the Stand and Tells the Story of the Accident That Resulted in the Death of Young Haislett—One Witness Saw the Horse Pass at a Gallop.

After hearing the evidence in the case against Max Seufert, charged with involuntary manslaughter in running down and causing the death of George Haislett, Aug. 21, Judge Timmony decided that there was not sufficient probable cause to justify binding him over to the district court, and accordingly he was dismissed. County Attorney Van Cott shared in the same opinion, and so expressed himself to the court. N. Straub examined the witnesses in behalf of the defendant.

The testimony of the two leading witnesses for the state, L. Sauer, 30 State street, and E. Traubner, a Tribune reporter, was in conflict at variance, which weakened the case in the eyes of the court. They were standing together in front of the Miller hotel on State and Third streets, Sunday evening, August 21, and saw the accident, but took quite an opposite view of attaching the blame. Mr. Sauer remembered having seen a one-horse buggy, with a man, pass the hotel a minute before the accident. He did not take particular notice of them, but thought they were not going very rapidly. He could not positively identify the buggy and not recall that it collided with the boy. He went to the scene of the accident with Traubner, and his view of the collision was that each was trying to get out of the other's way.

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AFFAIRS OF THE COUNTY.

CHANGES IN THE LIST OF REGISTRATION AGENTS.

ENTITLED TO A PIPE LINE

OVER PROPERTY OF THE CRESCENT MINING COMPANY.

The Crescent Owns the Natural Waters of Shadow Lake—Opinion of the Supreme Court Was By Justice Miner and District Judge Hart—Judge McCarty Dissents.

In the case of the Crescent Mining company, appellant, vs. the Silver King Mining company, the supreme court handed down an opinion yesterday affirming the judgment of the district court. Chief Justice Zane and Justice Barch were dissatisfied from sitting in the case and it was heard on appeal by Justice Miner and District Judges Hart and McCarty. The opinion of the court was written by Justice Miner and concurred in by District Judge Hart, while District Judge McCarty delivered a dissenting opinion. The dissenting opinion concurred in the judgment as far as it affirmed that part of the decree of the trial court awarding the defendant the water in dispute that issues from the Jeanette or Thayne tunnel, situate on defendant's mining claim, but dissented from that part of the decision holding that plaintiff is not entitled to equitable relief restraining defendant from carrying on his pipe line across and through plaintiff's mining claims.

FINDINGS OF THE LOWER COURT.

It appeared from the findings of the lower court that in the year 1885 the Crescent constructed a dam across the outlet of what is called Thayne or Shadow lake, and by means of a pipe line inserted into Shadow lake of reservoir was the stream of water flowing into the Thayne or Jeanette tunnel situated and excavated upon the Thayne and Jeanette mining claims, the property of the defendant. The plaintiff claimed that the tunnel was run upon and excavated upon mining claims and property owned by the plaintiff, and that the defendant was entitled to the water of the lake and prior to the diversion and use of the water of the lake, which said mining claims were duly patented to the plaintiff, which said mining claims were in interest of the defendant prior to the appropriation of any of the waters of the lake or its natural source of supply; that all the water issuing from the tunnel was developed by the defendant and its grantors and predecessors in interest by the running and excavation of the tunnel, and that said water had been intercepted in said tunnel at about 70 feet from its mouth and was used in percolating water issuing from the tunnel in said tunnel, and that said water was not from any subterranean stream having any defined course, bed or channel, but was a natural source of supply of said lake.

THE PIPE LINE.

The court below further found that the mining claims of the plaintiff overlaid and across which the pipe line of the defendant was laid unlawfully and a trench dug in and upon the claims unlawfully, were and are barren, rocky, uncultivated and unused mining claims and are situated in the town of Bingham, and that the digging of said trench and the laying of said pipe line did not damage the property of the plaintiff, and that the defendant was not entitled to the water of the lake and prior to the diversion and use of the water of the lake, which said mining claims were duly patented to the plaintiff, which said mining claims were in interest of the defendant prior to the appropriation of any of the waters of the lake or its natural source of supply; that all the water issuing from the tunnel was developed by the defendant and its grantors and predecessors in interest by the running and excavation of the tunnel, and that said water had been intercepted in said tunnel at about 70 feet from its mouth and was used in percolating water issuing from the tunnel in said tunnel, and that said water was not from any subterranean stream having any defined course, bed or channel, but was a natural source of supply of said lake.

THE EFFECT OF IT.

The effect of the opinion is that the Silver King is entitled to the water from the Jeanette or Thayne tunnel and that the Silver King is entitled to the water in a pipe line over mining claims of the Crescent company to convey the said water to the Silver King mine and mill, and that the Crescent owns the natural water of Shadow Lake.

Beats the Klondike.

Mr. A. C. Thomas of Marysville, Tex., has found a more valuable discovery than has yet been made in the Klondike. For years he suffered under agony from consumption, accompanied by hemorrhages, and was absolutely cured by Dr. King's New Discovery for Consumption, Coughs and Colds. He declares that the gold is of little value in comparison with this marvelous cure; would have it, even if it cost a hundred dollars. He has written a letter, which is being sent to the publisher, and all throat and lung affections are positively cured by Dr. King's New Discovery for Consumption. Trial bottles free, at C. M. I. drug store. Regular size 50c and \$1. Guaranteed to cure or price refunded.

Examination For Free Normal Scholarships.

A competitive examination of applicants for free normal scholarships at the University of Utah, limited to residents of Salt Lake City, will be given in room 14 of the Ogden school on Saturday, Sept. 1, beginning at 9 a. m. In the subjects, arithmetic, United States history and English grammar. J. F. MILLSPAUGH, Superintendent.

Strong, steady nerves

Are needed for success

Everywhere. Nerves

Depend simply, solely,

Upon the blood.

Pure, rich, nourishing

Blood feeds the nerves

And makes them strong.

The great nerve tonic is

Hood's Sarsaparilla.

Because it makes

The blood rich and

Pure, giving it power

To feed the nerves.

Hood's Sarsaparilla

Cures nervousness,

Dyspepsia, rheumatism,

Catarrh, scrofula,

And all forms of

Impure blood.

JOHN D. LONG,

Readers of The Herald can procure any one of these books by presenting a coupon cut from the paper and its value at the 5c value off, or they will be mailed to out-of-town patrons for a coupon and 12 cents. There are five books in the set, averaging 16 views to the book.

Alarmed Over Yellow Jack.

Mobile, Ala., Aug. 29.—The Mobile board of health today quarantined Galveston, Tex., and Franklin, La., on account of yellow fever at these places, and also advised Governor Johnston to enforce the state quarantine.

MANILA AND THE PHILIPPINES

The Herald has arranged for distribution some very interesting views of scenery in the Philippine Islands, as will be noted by the advertisement in another part of this paper.

These views were made from photographs taken by the secretary of the American consul at Manila, just before the war with Spain broke out. The following letter to the publishers from Secretary Long shows how well the books are appreciated:

Gentlemen—I am in receipt, with your compliments, of the pamphlets containing photographs of Manila and the Philippine Islands. The photographs are the best I have seen, and I have been much interested in looking them over. Please accept my cordial thanks for the interest in sending them to me. Very truly yours,

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The J. Dewing Company, 509 Market

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Falls.

That editors of magazines

Know whether it is to be expected?

What wonder if they sometimes print

Things good enough to be rejected?

Minor points.

Lazzy Liver

"I have been troubled a great deal with a torpid liver, which produces constipation. I found CASCARETS to be a real boon for me, and secured such relief the first trial, that I purchased another supply and was completely cured. I shall only be too glad to recommend CASCARETS to my friends."

J. A. SMITH,

2505 Sisseton Ave., Philadelphia, Pa.

CANDY CATHARTIC

REGULATE THE LIVER

Pleasant, Palatable, Efficient, Taste Good. Do Good. Never Sickens, Weakens, or Quips. See Box.

CURE CONSTIPATION.

Wholesale: Kennedy Company, Chicago, Montreal, New York.

NO-TO-BAC Sold and manufactured by all druggists to CURE tobacco habit.

FAVOR OF SILVER KING

It Owns the Water From the Jeanette Tunnel.

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